

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TONY CACCAVALE, ANTHONY MANGELLI,
DOUGLAS SORBIE, and JAMES BILLUPS, individually
and on behalf of all others similarly situated,

Case No: 20-CV-00974
(GRB)(AKT)

Plaintiffs,

**STIPULATION RE SECOND
AMENDED COMPLAINT**

-against-

HEWLETT-PACKARD COMPANY A/K/A HP INC.,
HEWLETT PACKARD ENTERPRISE COMPANY and
UNISYS CORPORATION,

Defendants.

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WHEREFORE, counsel for the Plaintiffs has requested consent from counsel for the Defendants to file a Second Amended Complaint (“SAC”) and have provided Defendants’ counsel with an executed version of same;

WHEREFORE, counsel for Defendants have consented to the filing of the SAC while reserving all rights with respect to same including, but not limited to, the right to move to dismiss the SAC on any basis;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned and all parties of record that Plaintiffs may file the SAC, with Defendants reserving all rights with respect to same including, but not limited to, the right to move to dismiss the SAC on any basis;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned and all parties of record that Defendants shall file their pre-motion letters seeking permission to move to dismiss Plaintiffs’ SAC with Judge Gary R. Brown USDJ by December 23, 2020;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned and all parties of record that the caption of this matter may be amended to conform to the SAC;

IT IS FURTHER STIPULATED AND AGREED, that this stipulation may be executed by facsimile and/or in counterparts each of which will be deemed an original.

<p><i>Paul Pagano</i></p> <hr/> <p>Steven J. Moser, Esq. Paul A. Pagano, Esq. Moser Law Firm P.C. 5 East Main Street Huntington, NY 11743 (516) 671-1150 smoser@moseremploymentlaw. <i>Attorneys for Plaintiffs</i></p>	<p>/s/ Kenneth W. DiGia</p> <hr/> <p>Kenneth W. DiGia Jeffrey H. Ruzal EPSTEIN BECKER & GREEN, P.C. 875 Third Avenue New York, NY 10022 (212) 351-4500</p> <p><i>Attorneys for Defendant Unisys</i></p>
<p>/s/ Kristofor Henning</p> <hr/> <p>Kristofor Henning Adam Saravay Ilana Levin McCARTER & ENGLISH, LLP Four Gateway Center 100 Mulberry Street Newark, NJ 07101-0652 (973) 622-4444 <i>Attorneys for Defendants HP Inc. and Hewlett-Packard Enterprise Company</i></p>	<p>SO ORDERED:</p> <p><i>/s/ AK Tomlinson</i> 12/18/2020 A Kathleen Tomlinson United States Magistrate Judge</p>